

DOUGLAS COUNTY, NV

2015-874242

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ORDER APPOINTING PERMANENT GUARDIAN

(Title of Document)

OF THE PERSON AND ESTATE

This page added to provide additional information required by NRS 111.312 Sections 1-2. (Additional recording fee applies)

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1 CASE NO. 15-PB-0082

2 DEPT. NO. II

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AUG 31 2015

Douglas County  
District Court Clerk

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BOLDIE R. WILLIAMS

BY *[Signature]* DEPUTY

4 The undersigned affirms  
that this document contains  
no Social Security Number

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF DOUGLAS

8 In the Matter of the  
9 Guardianship

10 of

11 DANA M. DESMOND.

12 Adult Ward.

ORDER APPOINTING PERMANENT  
GUARDIAN OF THE PERSON AND  
ESTATE

REVIEW HEARING: 5 September 2016

15 This matter was brought on before the Court on the 31st day of August, 2015, on the Request  
16 of the Temporary Guardian to be appointed as permanent general guardian of the person and estate of  
17 DANA M. DESMOND, an adult ward ("Ward"). Present in Court were the Petitioner, Claudette  
18 Springmeyer, Douglas County Public Guardian, together with her attorney Michael Smiley Rowe, Esq.,  
19 of Rowe Hales Yurbide, LLP. The Ward was not present at the hearing.

21 STATEMENT OF THE CASE

22 On 30 July 2015 the Petitioner filed an *Ex Parte* Petition for Appointment of Temporary  
23 Followed By Permanent Guardian of Person and Estate. An Order Appointing Temporary Guardian of  
24 Person and Estate was entered on 31 July 2015. On 10 August 2015, a hearing was conducted in this  
25 matter, and the temporary guardianship was extended to the limits allowed by statute. On 10 August  
26 2015 an Order Extending Temporary Guardianship was filed with the Court setting the hearing date for  
27 31 August 2015 on whether the guardianship will be made permanent.  
28

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1 Letters of Guardianship were issued on 4 August 2015.

2 On 10 August 2015 the Citation was duly issued, and on the same date the Citation was filed  
3 with the Court.

4 Return receipts of the certified mailing of the Citation to all those entitled to notice were filed  
5 on 18 August 2015.

6  
7 **FINDINGS AND ORDER**

8 1. Due and proper notice of the Petition and Citation has been provided by the Petitioner  
9 to all those entitled to notice who are required to be served with a copy of the Petition and Citation issued  
10 pursuant to NRS 159.047. In this connection, the Court notes that the Citation was duly served by  
11 certified mail.

12 The Court concludes and orders that the Citation was properly served in accordance with the  
13 requirements of NRS 159.047 and NRS 159.0475. The latter section requires that a copy of the Citation  
14 must be served by certified mail with return receipt requested on each person required to be served.  
15 Return receipts were filed on 18 August 2015.

16 2. The Court finds and orders that Petitioner is a qualified person to serve as Guardian of  
17 the adult ward. Petitioner has not been convicted of a felony, suspended for misconduct or disbarred  
18 from the practice of law, accounting, or any profession which involves the management or sale of money,  
19 investments, securities or real property, or which requires a licensure by any state. She has never sought  
20 protection under federal bankruptcy laws. Petitioner possesses all of the qualifications necessary to be  
21 appointed as permanent general Guardian of the person and estate of DANA M. DESMOND, an adult  
22 ward.

23 3. The proposed Ward, DANA M. DESMOND, was, and is, determined by this Court to  
24 be incompetent and unable to manage her own affairs. In this regard, a Psychological and Clinical  
25 Evaluation was prepared and signed by Dr. Steven Holroyd M.D., on 21 July 2015. A copy of the  
26  
27  
28

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1 Psychological and Clinical Evaluation was filed with the Court with the originating petition as Exhibit  
2 "B". Dr. Holroyd diagnosed the Ward as suffering from dementia. Dr. Holroyd has opined that the  
3 Ward cannot live independently and requires a Guardian for all medical and financial decisions (full  
4 guardianship).

5 4. In open court the Guardian advised that the Ward had been moved to Mason Valley  
6 Residence, located at 705 South Street, Yerington, NV 89447.

7  
8 5. In her originating petition, the temporary guardian requested that the Court advise and  
9 instruct her, and make a determination about, whether or not the Ward has a mental defect that prohibits  
10 the Ward from ownership or possession of firearms. This request was properly brought before the Court  
11 in view of the requirements of NRS 159.0593.

12 Pursuant to NRS 159.0593, if the Court orders a general guardian appointed for the Ward, the  
13 Court shall determine, by clear and convincing evidence, whether the Ward is a person with a mental  
14 defect who is prohibited from owning or possessing a firearm. This statute contains a definition of a  
15 person with a mental defect which includes a finding by the Court that the a person is a danger to himself  
16 or herself or others, or that the Ward lacks the capacity to contract or manage his or her own affairs.

17  
18 In the Psychological and Clinical Evaluation authored by Dr. Holroyd, the doctor indicates that  
19 the Ward has been diagnosed with dementia. Dr. Holroyd opined that the Ward would present a risk or  
20 threat to self or others if she were to own or purchase a firearm. The Court determines, by clear and  
21 convincing evidence, that the Ward is a person with a mental defect who should be prohibited from  
22 owning or possessing a firearm. Accordingly, the Court shall transmit a copy of this Order to the Central  
23 Repository for Nevada Records of Criminal History, along with a statement indicating that the record is  
24 being transmitted for inclusion in each appropriate database of the National Instant Criminal Background  
25 Check System.  
26  
27

28 ///

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1           6.       In the Psychological and Clinical Evaluation, Dr. Holroyd opined that the Ward does  
2 have the capacity necessary to understand and complete voter registration forms and to vote. The Court  
3 finds, by clear and convincing evidence, that the Ward does possess the mental capacity to vote and she  
4 shall be allowed to continue to do so.

5           7.       In the Physician's Certificate with Needs Assessment prepared by Dr. Holroyd, Dr.  
6 Holroyd opined that the Ward is not capable of driving. By clear and convincing evidence, the Court  
7 finds that the Ward's driving privileges shall be revoked, and that the Ward shall surrender her driver's  
8 license to the Nevada Department of Motor Vehicles.

9           8.       In accordance with NRS 159.044, Petitioner has set forth in the originating Petition and  
10 in her Preliminary Report a general description and probable value of the property of the proposed Ward.

11                       The Court orders that the Guardian will supply to the Court an inventory of the Ward's  
12 estate pursuant to NRS 159.085 not later than 60 days after the date of this Order.

13           9.       The Court is satisfied that a bond is not required in this instance; accordingly, the Court  
14 finds that no additional bond will be required of the Guardian.

15           10.      In order to manage and care for the person and estate of the Ward, the Court finds that  
16 the Guardian of the person and estate of the Ward shall be granted all of the specific powers of guardians  
17 set forth in NRS 159.077 through NRS 159.175, inclusive; all of which the Court determines to be  
18 necessary to enable the Guardian to carry out her duties as the Guardian.

19                       **IT IS HEREBY ORDERED** that Claudette Springmeyer shall be, and hereby is, appointed as  
20 the permanent Guardian of the person and estate of DANA M. DESMOND, an adult ward. Letters of  
21 Temporary General Guardianship of the person and estate of DANA M. DESMOND shall be extended  
22 to Permanent Letters in order that the Guardian may make provisions for the care and protection of the  
23 Ward and her estate.

24           ///

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1 The Guardian shall continue her duties as Guardian as appointed by this Order, and she shall  
2 be empowered to exercise all other powers and duties of Guardian applicable to the guardianship of the  
3 person and estate of the adult ward: said powers and duties of guardian, where applicable, being set forth  
4 in NRS 159.077, *et. seq.*, "Powers of Duties and Guardians" and in NRS 159.113, *et. seq.*, "Management  
5 and Disposition of the Ward's Estate."

6  
7 **BE IT FURTHER ORDERED** that the Court will require an inventory of the Ward's estate  
8 be filed within 60 days of this Order.

9 **BE IT FURTHER ORDERED** that a copy of this Order shall be transmitted to the Central  
10 Repository for Nevada Records of Criminal History along with the Court's finding, by clear and  
11 convincing evidence, that the Ward is a person with a mental defect prohibiting her from owning or  
12 possessing a firearm. A copy of this Order is being transmitted for inclusion in each appropriate database  
13 of the National Instant Criminal Background Check System.

14  
15 **BE IT FURTHER ORDERED** that the Ward's driving privileges shall be revoked, and that  
16 the Ward shall surrender her driver's license to the Nevada Department of Motor Vehicles.

17 **BE IT FURTHER ORDERED** that the Ward's voting privileges shall not be affected by this  
18 Order.

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